

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

KIMBERLY WIGGINS

PLAINTIFF

VS

CIVIL ACTION NO. 3:20-cv-281

DT FREIGHT LLC AND JOHN DOE A THROUGH E

DEFENDANTS

**MOTION IN LIMINE 4
“Attorney Referral”**

COMES NOW the Plaintiff and moves this Court *in limine* for an Order excluding certain testimony, evidence, argument and/or comment described below, and in support thereof would show unto this Court the following:

1.

The Plaintiff was previously represented by attorneys, David Sergi of Sergi and Associates, P.C., of San Marcos, TX and Tina Seymour of Seymour Law Firm, in Ocean Springs, Mississippi. The latter was discharged and Sergi has associated current counsel on this claim.

2.

The fact that the Plaintiff was previously represented by any other lawyer is irrelevant. Any minimal relevance is outweighed by the substantial prejudiced such evidence would create, pursuant to FED. R. Ev. 401, 402 AND 403.

3.

The granting of this *motion in limine* is appropriate because the material or evidence in question will be inadmissible at trial under the rules of evidence and the mere offer, reference or

statements made during trial concerning the material will tend to prejudice the jury. *See Whittington v. Mason*, 906 So.2d 10 (Miss. App. 2004); *Whittley v. City of Meridian*, 530 So.2d 1341, 1344 (Miss. 1988); *Bullock v. Lott*, 964 So.2d 1119, 1128 (Miss. 2007); *Heflin v. Merrill*, 154 So.3d 887, (Miss. App. 2013).

Given the brevity of this motion, Plaintiff asks that the requirement of filing and/or serving a separate memorandum be waived.

WHEREFORE, the Plaintiff respectfully moves this Court to prohibit defense counsel from submitting evidence or comment regarding any prior lawyer who represented the Plaintiff in this claim. Further, the Plaintiff requests this Court command defense counsel to instruct his witnesses of the Court's Order in this regard.

RESPECTFULLY SUBMITTED, this the 28th day of May, 2021.

By: /s/ Lance L. Stevens
LANCE L. STEVENS
ATTORNEY FOR PLAINTIFF

CERTIFICATE OF SERVICE

I, Lance L. Stevens, of counsel for the Plaintiff, do hereby certify that I have this day forwarded, via ECF, a true and correct copy of the above, to:

PATRICK J. SCHEPENS (#102577)
MATTHEW M. WILLIAMS (#102541)
JENNIFER M. YOUNG (#103758)
TIMOTHY HASSINGER (PHV)
GALLOWAY, JOHNSON, TOMPKINS, BURR & SMITH
2510 14th Street, Suite 910
Gulfport, Mississippi 39501
Telephone: (228) 214-4250
Facsimile: (228) 214-9650
COUNSEL DT FREIGHT, LLC

SO CERTIFIED this the 28th day of May, 2021.

By: /s/ Lance L. Stevens
ATTORNEY FOR PLAINTIFF

Lance L. Stevens, MS Bar No.: 7877
Stevens Law Group, PLLC
190 Gateway Drive, Suite A
Brandon, MS 39042
Phone: (601) 829-6618
Fax: (601) 829-6623
lance@stevenslawgrouppllc.com